

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2206 - SB 2644

February 20, 2022

SUMMARY OF BILL: Expands the offenses of assault and aggravated assault against a first responder or nurse to include offenses against a healthcare facility security guard/officer who is discharging or attempting to discharge their official duties.

FISCAL IMPACT:

Increase Local Expenditures – \$8,100/FY22-23 and Subsequent Years*

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-13-116(c)(1) and this legislation, assault against a healthcare facility security guard's will be a Class A misdemeanor offense punished by a mandatory fine of \$5,000 and a mandatory minimum sentence of 30 days incarceration.
- This analysis assumes individuals charged with assault against a healthcare facility security guard's pursuant to this legislation would be charged with a Class A misdemeanor offense of assault pursuant to Tenn. Code Ann. § 39-13-101 under current law.
- It is assumed that an individual convicted of a Class A misdemeanor offense spends an average of 15 days in a local jail.
- There are currently 34,896 licensed security guards. It is reasonably assumed that 25 percent or 8,724 (34,896 x 25.0%) of registered, licensed, or certified security guards are currently employed or work in a licensed healthcare facility.
- It is reasonably assumed 2 percent or 174 (8,724 x 2.0%) of healthcare facility security guards will annually be the victim of the offense of assault, and 10 percent or 17 (174 x 10.0%) of assaults will result in arrest.
- This analysis assumes 50 percent or 9 (17 x 50.0%) arrests will result in a Class A misdemeanor conviction of assault against a healthcare facility security guard per year.
- The proposed legislation will result in 9 convictions annually serving an additional 15 days (30-15) in local jail.
- Based on cost estimates provided by local government entities throughout the state and reported bed capacity within such facilities, the weighted average cost per day to house an inmate in a local jail facility is \$60.69.
- The recurring mandatory increase in expenditures to local governments is estimated to be \$8,193 (9 convictions x \$60.69 x 15 days) in FY22-23 and subsequent years.
- This analysis assumes individuals charged with aggravated assault against a healthcare facility security guard pursuant to this legislation would be charged with a Class C

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felony offense of aggravated assault pursuant to Tenn. Code Ann. § 39-13-102 under current law.

- Pursuant to Tenn. Code Ann. § 39-13-116(c)(2) and this legislation, aggravated assault against a healthcare security guard is punished by a mandatory fine of \$15,000 and a mandatory minimum sentence of 90 days incarceration.
- Based on information provided by the Department of Correction, the average time served for a Class C felony is 1.59 years.
- While the proposed legislation establishes mandatory sentence minimums, this analysis assumes that the offender will serve the established average sentence length.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is minimal due to defendants often not being able to pay them; therefore, any increase in local revenue from fines is estimated to be not significant.
- Any impact to state incarceration expenditures is estimated to be not significant.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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